

MEMO ENDORSED

PLAINTIFF TO RESPOND BY	
1/8/08 WITH A BRIEF (1-2 pp)	
LETTER.	
SO ORDERED:	Richard M. Berman
Date: 1/2/08	Richard M. Berman, U.S.D.J.

VIA FEDERAL EXPRESS

December 28, 2007

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Marvin Gelfand
a professional corporation
mgelfand@wwllp.com
310.860.3325

Re: Circa Inc. v. Mel Bernie and Company, Inc.
Civ.No.: 07 CV 10265

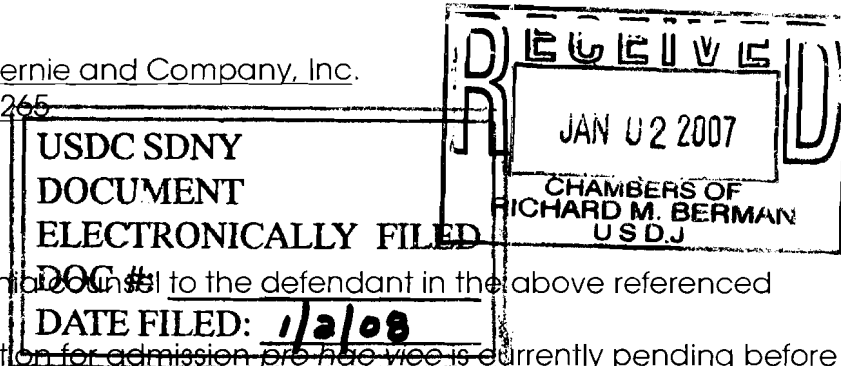
Dear Judge Berman,

My firm is California Counsel to the defendant in the above referenced matter and my application for admission pro hac vice is currently pending before you.

I write pursuant to your Individual Practice No. 2(A) to request a pre-motion hearing for defendant's anticipated motion to transfer venue to the Central District of California under 28 U.S.C. § 1404(a).

The bases for defendant's motion are that because of the localization of defendant's business and employees in the Central District of California, and because plaintiff is a national company with offices and clients across the U.S., including in California, the balance of convenience to the parties and the witnesses tips strongly in favor of transfer to California. Moreover, the interests of justice require that plaintiff's attempt to forum shop in order to avoid defending California state law claims not be rewarded.

WWBCGE



Honorable Richard M. Berman
December 28, 2007
Page 2

Pursuant to a telephone call today, December 28, 2007, plaintiff has refused to stipulate to a transfer to the Central District of California.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Marvin Gelfand', with a large, stylized flourish extending from the end of the signature.

Marvin Gelfand

MG/pjc

cc: Nicholas Fortuna
Allyn & Fortuna
Via Facsimile (212) 213-3318

Nicholas Gallo
Gallo & Darmanian
Via Facsimile (212) 692-0875

Robert J. Basil
Collier & Basil
Via Facsimile (831) 536-1075